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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/783,910	02/20/2004	Tamisha Clark	3010-1091	7137	
7590 06/26/2006			EXAM	EXAMINER	
Woodard, Emhardt, Moriarty, McNett & Henry LLP Bank One Center/Tower Suite 3700 111 Monument Circle Indianapolis, IN 46204-5137			GRAY, JILL M		
			ART UNIT	DA DED AUTHADED	
			AKTONII	PAPER NUMBER	
			1774		
			DATE MAILED: 06/26/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)				
	10/783,910	CLARK ET AL.				
Office Action Summary	Examiner	Art Unit				
	Jill M. Gray	1774				
The MAILING DATE of this communication apperiod for Reply	pears on the cover sheet with the	correspondence address				
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING D - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailin earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 136(a). In no event, however, may a reply be to will apply and will expire SIX (6) MONTHS from the cause the application to become ABANDON	DN. imely filed m the mailing date of this communication. ED (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 30 h	<i>lay 2006</i> .					
2a) This action is FINAL . 2b) ⊠ This	This action is FINAL . 2b)⊠ This action is non-final.					
	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under	Ex parte Quayle, 1935 C.D. 11, 4	153 O.G. 213.				
Disposition of Claims						
4)⊠ Claim(s) <u>1-30</u> is/are pending in the application	l .					
4a) Of the above claim(s) <u>17-21 and 27-30</u> is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1-16 and 22-26</u> is/are rejected.	•					
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/o	or election requirement.					
Application Papers	;					
9) The specification is objected to by the Examine	er. į					
10) The drawing(s) filed on is/are: a) acc	cepted or b) objected to by the	Examiner.				
Applicant may not request that any objection to the	drawing(s) be held in abeyance. S	ee 37 CFR 1.85(a).				
Replacement drawing sheet(s) including the correct	ction is required if the drawing(s) is o	bjected to. See 37 CFR 1.121(d).				
11)☐ The oath or declaration is objected to by the E	xaminer. Note the attached Offic	e Action or form PTO-152.				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:	n priority under 35 U.S.C. § 119(a)-(d) or (f).				
1. Certified copies of the priority documen	ts have been received.					
2. Certified copies of the priority documen	ts have been received in Applica	tion No				
3. Copies of the certified copies of the price	•	ved in this National Stage				
application from the International Burea						
* See the attached detailed Office action for a list	t of the certified copies not receiv	red.				
Attachment(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) Interview Summa Paper No(s)/Mail I					
Notice of Draitsperson's Patent Clawing Review (PTO-946) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08 Paper No(s)/Mail Date		Patent Application (PTO-152)				

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DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I, claims 1-16 and 22-26 in the reply filed on May 30, 2006 is acknowledged. The traversal is on the ground(s) that the search would present no serious burden on the Patent Office. This is not found persuasive because the search for Group I is not the same as or required for the invention of Group II. Hence a burden on the Patent Office does exist.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 3. Claims 1-16 and 22-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Palermo 6,139,510.

Palermo teaches a medical guidewire comprising an elongate wire, an etched hydrocarbonaceous surface, wherein the hydrocarbon can be a fluoropolymer and a lubricious coating adhered thereto, as required by claims 1, 3, 5, 8-15, 22-23, and 25. The fluoropolymer is of the type contemplated by applicants and the lubricious coating can be polyvinylpyrrolidone or a copolymer thereof, per claims 2, 6-7, and 26. See abstract, column 12, line 60 through column 13 and line 30, and Examples. In addition, Palermo teaches that indicia can be included, per claim 4 and that the lubricious coating

can be a therapeutic coating, as required by claims 16 and 24. See column 5, lines 16 and column 13, lines 44-65.

Therefore, the teachings of Palermo anticipate the invention as claimed in present claims 1-16 and 22-26.

No claims are allowed.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill M. Gray whose telephone number is 571-272-1524. The examiner can normally be reached on M-Th and alternate Fridays 10:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Primary Examiner

jmg